



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 16, 1998

Mr. Jesus Toscano, Jr.  
Administrative Assistant City Attorney  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR98-2446

Dear Mr. Toscano:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118955.


The City of Dallas (the "city") has received a request for a copy of a "recent memo from Sam Lindsay, Dallas City Attorney," parts of which had been quoted in a letter from an administrative judge for the Dallas Municipal Court to the requestor. You advise that the city has released the requested memo to the requestor except for two paragraphs, which the city seeks to withhold under Government Code section 552.107(1).

Section 552.107(1) protects information "that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct." The provisions now codified in section 552.107(1) incorporate the "attorney client privilege" *See* Open Records Decisions Nos. 574 (1990), 589 (1991). Where an attorney represents a governmental entity, the attorney-client privilege protects an attorney's legal advice and confidential attorney-client communications. *Id.*

We have reviewed your arguments and the information in question. We conclude that you may withhold the two paragraphs at issue under section 552.107(1). Please note, however, that any information contained in these paragraphs that has already been disclosed to the public, either in public meetings or in some other manner, may not now be withheld under the attorney-client privilege. Open Records Decision No. 412 (1984).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/ch

Ref: ID# 118955

Enclosures: Submitted documents

cc: Mr. Frederick Slice  
2406 Diamond Oaks  
Garland, Texas 75044  
(w/o enclosures)